



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 686**

January 27, 1998 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT to repeal** 118.16 (1) (a) 2., 118.162 (2) (intro.) and (a), 118.162 (3) (c) and
2 118.162 (5); **to renumber** 118.125 (2) (c), 118.15 (5) (b) and 118.16 (5m); **to**
3 **renumber and amend** 118.15 (5) (a), 118.162 (2) (b), 118.163 (2m) and 938.342
4 (1); **to consolidate, renumber and amend** 118.16 (1) (a) (intro.) and 1. and
5 118.162 (3) (intro.), (a) and (b); **to amend** 103.72 (2), 118.16 (2) (cg) 1., 118.16
6 (2) (cg) 3., 118.16 (2) (cg) 4., 118.16 (6), 118.162 (1) (intro.), 118.163 (2) (a),
7 118.163 (2) (b), 118.163 (2) (d), 118.163 (2) (f), 895.035 (2m) (b), 938.125 (2),
8 938.13 (6), 938.17 (2) (a) 1., 938.17 (2) (g), 938.17 (2) (h) 1., 938.275 (1) (c),
9 938.342 (1m) (a), 938.342 (1m) (b), 938.342 (2) (a), 938.342 (2) (b), 938.345 (2),
10 938.355 (6) (a), 938.355 (6) (an) 1., 938.355 (6m) (title), 938.355 (6m) (a), 938.355
11 (6m) (b) and 938.355 (6m) (c); **to repeal and recreate** 49.26 (1) (a) 1., 118.163
12 (1) (b) and 118.163 (3); and **to create** 118.125 (2) (c) 2., 118.15 (1) (am), 118.15
13 (3m), 118.15 (5) (a) 1. a. and b., 118.15 (5) (a) 2., 118.15 (5) (b) 2., 118.16 (5m)

1 (a), 118.162 (4m), 118.163 (1) (c), 118.163 (1) (d), 118.163 (1m), 118.163 (2) (g)
2 to (j), 118.163 (2m) (b), 118.163 (4), 938.17 (2) (i), 938.342 (1d), 938.342 (1g) (g)
3 to (j), 938.342 (1m) (am) and 938.355 (6m) (ag) of the statutes; **relating to:**
4 compulsory school attendance, truancy, habitual truancy, the penalties for
5 contributing to truancy, truancy planning committees and school district
6 truancy plans.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 49.26 (1) (a) 1. of the statutes is repealed and recreated to read:
8 49.26 (1) (a) 1. “Habitual truant” has the meaning given in s. 118.16 (1) (a).

9 **SECTION 2.** 103.72 (2) of the statutes is amended to read:

10 103.72 (2) Whenever it appears to the department that a permit has been
11 improperly or illegally issued, or that the physical or moral welfare or school
12 attendance of the minor would be best served by the revocation of the permit or that
13 the failing school performance of the minor would be remedied by the revocation of
14 the permit, the department may immediately, without notice, revoke the permit. The
15 department shall revoke a permit if ordered to do so under s. 938.342 (1) (1g) (e). If
16 the department revokes a permit, the department shall, by registered mail, notify
17 the person employing the minor and the minor holding the permit of the revocation.
18 Upon receipt of the notice, the employer employing the minor shall immediately
19 return the revoked permit to the department and discontinue the employment of the
20 minor.

21 **SECTION 3.** 118.125 (2) (c) of the statutes is renumbered 118.125 (2) (c) 1.

22 **SECTION 4.** 118.125 (2) (c) 2. of the statutes is created to read:

1 118.125 (2) (c) 2. Names of dropouts shall be provided to a court in response to
2 an order under s. 118.163 (2m) (b).

3 **SECTION 5.** 118.15 (1) (am) of the statutes is created to read:

4 118.15 (1) (am) Except as provided under par. (d) and sub. (3m), unless the child
5 is excused under sub. (3), any person having under control a child who is under the
6 age of 6 and who is attending a public school, including a prekindergarten program,
7 shall cause the child to continue to attend that school regularly during the full period
8 and hours, religious holidays excepted, that the program in which the child is
9 enrolled is in session.

10 **SECTION 6.** 118.15 (3m) of the statutes is created to read:

11 118.15 (3m) (a) Subsection (1) (am) applies only if the school board of the school
12 district in which the child is enrolled has adopted a resolution specifying that it
13 applies.

14 (b) Subsection (1) (am) does not apply if the person in control of the child notifies
15 the school board of the school district in which the child is enrolled that the child will
16 no longer be attending the program in which the child is enrolled.

17 **SECTION 7.** 118.15 (5) (a) of the statutes is renumbered 118.15 (5) (a) 1. (intro.)
18 and amended to read:

19 118.15 (5) (a) 1. (intro.) Except as provided under par. (b) or if a person has been
20 found guilty of a misdemeanor under s. 948.45, whoever violates this section may be
21 fined not more than \$500 or imprisoned for not more than 30 days or both penalized
22 as follows, if evidence has been provided by the school attendance officer that the
23 activities under s. 118.16 (5) have been completed or were not required to be
24 completed due to the child's absence from school as provided in s. 118.16 (5m). ~~In a~~
25 ~~prosecution under this paragraph, if the defendant proves that he or she is unable~~

1 ~~to comply with the law because of the disobedience of the child, the action shall be~~
2 ~~dismissed and the child shall be referred to the court assigned to exercise jurisdiction~~
3 ~~under chs. 48 and 938.;~~

4 **SECTION 8.** 118.15 (5) (a) 1. a. and b. of the statutes are created to read:

5 118.15 (5) (a) 1. a. For the first offense, by a fine of not more than \$500 or
6 imprisonment for not more than 30 days or both.

7 b. For a 2nd or subsequent offense, by a fine of not more than \$1,000 or
8 imprisonment for not more than 90 days or both.

9 **SECTION 9.** 118.15 (5) (a) 2. of the statutes is created to read:

10 118.15 (5) (a) 2. The court may require a person who is subject to subd. 1. to
11 perform community service work for a public agency or a nonprofit charitable
12 organization in lieu of the penalties specified under subd. 1. Any organization or
13 agency to which a defendant is assigned pursuant to an order under this subdivision
14 acting in good faith has immunity from any civil liability in excess of \$25,000 for any
15 act or omission by or impacting on the defendant.

16 **SECTION 10.** 118.15 (5) (b) of the statutes is renumbered 118.15 (5) (b) 1.

17 **SECTION 11.** 118.15 (5) (b) 2. of the statutes is created to read:

18 118.15 (5) (b) 2. In a prosecution under par. (a), if the defendant proves that he
19 or she is unable to comply with the law because of the disobedience of the child, the
20 action shall be dismissed and the child shall be referred to the court assigned to
21 exercise jurisdiction under ch. 48.

22 **SECTION 12.** 118.16 (1) (a) (intro.) and 1. of the statutes are consolidated,
23 renumbered 118.16 (1) (a) and amended to read:

24 118.16 (1) (a) "Habitual truant" means a pupil who is absent from school
25 without an acceptable excuse under sub. (4) and s. 118.15 for either of the following:

1 ~~1. Part~~ part or all of 5 or more days ~~out of 10 consecutive days~~ on which school is held
2 during a school semester.

3 **SECTION 13.** 118.16 (1) (a) 2. of the statutes is repealed.

4 **SECTION 14.** 118.16 (2) (cg) 1. of the statutes is amended to read:

5 118.16 **(2)** (cg) 1. A statement of the parent's or guardian's responsibility, under
6 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

7 **SECTION 15.** 118.16 (2) (cg) 3. of the statutes is amended to read:

8 118.16 **(2)** (cg) 3. A request that the parent or guardian meet with appropriate
9 school personnel to discuss the child's truancy. The notice shall include the name of
10 the school personnel with whom the parent or guardian should meet, a date, time and
11 place for the meeting and the name, address and telephone number of a person to
12 contact to arrange a different date, time or place. The date for the meeting shall be
13 within 5 school days after the date that the notice is sent.

14 **SECTION 16.** 118.16 (2) (cg) 4. of the statutes is amended to read:

15 118.16 **(2)** (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
16 imposed on the parent or guardian if he or she fails to cause the child to attend school
17 regularly as required under s. 118.15 (1) (a) and (am).

18 **SECTION 17.** 118.16 (5m) of the statutes is renumbered 118.16 (5m) (b).

19 **SECTION 18.** 118.16 (5m) (a) of the statutes is created to read:

20 118.16 **(5m)** (a) Subsection (5) does not apply if a meeting under sub. (2) (cg)
21 3. is not held within 10 school days after the date that the notice under sub. (2) (cg)
22 is sent.

23 **SECTION 19.** 118.16 (6) of the statutes is amended to read:

24 118.16 **(6)** If the school attendance officer receives evidence that activities
25 under sub. (5) have been completed or were not required to be completed ~~due to the~~

1 child's absence from school as provided in sub. (5m), the school attendance officer
2 may file information on any child who continues to be truant with the court assigned
3 to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing
4 information on a child under this subsection does not preclude concurrent
5 prosecution of the child's parent or guardian under s. 118.15 (5).

6 **SECTION 20.** 118.162 (1) (intro.) of the statutes is amended to read:

7 118.162 (1) (intro.) ~~On July 1, 1988~~ At least once every 4 years, in each county,
8 ~~the superintendent school district administrator~~ of the school district which contains
9 the county seat designated under s. 59.05, or his or her designee, shall convene a
10 committee ~~under this section. At its first meeting, the committee shall elect a~~
11 ~~chairperson, vice chairperson and secretary. Not later than February 1, 1989, the~~
12 ~~committee shall to review and~~ make recommendations to the school boards of all of
13 the school districts in the county on ~~the items to be included in~~ revisions to the school
14 districts' truancy plans under sub. (4) (4m). The committee shall consist of the
15 following members:

16 **SECTION 21.** 118.162 (2) (intro.) and (a) of the statutes are repealed.

17 **SECTION 22.** 118.162 (2) (b) of the statutes is renumbered 118.162 (2) and
18 amended to read:

19 118.162 (2) The district attorney representative on the committee shall
20 participate in reviewing and developing any recommendations regarding revisions
21 to the portions of the plan school districts' plans under sub. (4) (e).

22 **SECTION 23.** 118.162 (3) (intro.), (a) and (b) of the statutes are consolidated,
23 renumbered 118.162 (3) and amended to read:

24 118.162 (3) The committee shall write a report to accompany the
25 recommendations under sub. (1). The report shall include ~~all of the following:~~ (a)

1 A a description of the factors that contribute to truancy in the county.—(b)
2 ~~Identification and~~ a description of any state statutes, municipal ordinances or school
3 ~~or, social services, law enforcement, district attorney, court or other~~ policies that
4 contribute to or inhibit the response to truancy in the county. A copy of the report
5 shall be submitted to each of the entities identified in sub. (1) (b) to (h) and any other
6 entity designating members on the committee under sub. (1) (i).

7 **SECTION 24.** 118.162 (3) (c) of the statutes is repealed.

8 **SECTION 25.** 118.162 (4m) of the statutes is created to read:

9 118.162 (4m) At least once every 2 years, each school board shall review and,
10 if appropriate, revise the truancy plan adopted by the school board under sub. (4).

11 **SECTION 26.** 118.162 (5) of the statutes is repealed.

12 **SECTION 27.** 118.163 (1) (b) of the statutes is repealed and recreated to read:

13 118.163 (1) (b) “Habitual truant” has the meaning given in s. 118.16 (1) (a).

14 **SECTION 28.** 118.163 (1) (c) of the statutes is created to read:

15 118.163 (1) (c) “Operating privilege” has the meaning given in s. 340.01 (40).

16 **SECTION 29.** 118.163 (1) (d) of the statutes is created to read:

17 118.163 (1) (d) “Truant” means a pupil who is absent from school without an
18 acceptable excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which
19 school is held, including a summer session.

20 **SECTION 30.** 118.163 (1m) of the statutes is created to read:

21 118.163 (1m) A county, city, village or town may enact an ordinance prohibiting
22 a person under 18 years of age from being a truant. The ordinance shall provide
23 which of the following dispositions are available to the court:

24 (a) An order for the person to attend school.

1 (b) A forfeiture of not more than \$50 plus costs for a first violation, or a
2 forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation
3 committed within 12 months of a previous violation, subject to s. 938.37. All or part
4 of the forfeiture plus costs may be assessed against the person, the parents or
5 guardian of the person, or both.

6 **SECTION 31.** 118.163 (2) (a) of the statutes is amended to read:

7 118.163 (2) (a) Suspension of the person's operating privilege, ~~as defined in s.~~
8 ~~340.01 (40),~~ for not less than 30 days nor more than ~~90 days~~ one year. The court shall
9 immediately take possession of any suspended license and forward it to the
10 department of transportation together with a notice stating the reason for and the
11 duration of the suspension.

12 **SECTION 32.** 118.163 (2) (b) of the statutes, is amended to read:

13 118.163 (2) (b) An order for the person to participate in counseling or a
14 supervised work program or other community service work ~~under~~ as described in s.
15 938.34 (5g). The costs of any such counseling, supervised work program or other
16 community service work may be assessed against the person, the parents or
17 guardian of the person, or both. Any county department of human services or social
18 services, community agency, public agency or nonprofit charitable organization
19 administering a supervised work program or other community service work to which
20 a person is assigned pursuant to an order under this paragraph acting in good faith
21 has immunity from any civil liability in excess of \$25,000 for any act or omission by
22 or impacting on that person.

23 **SECTION 33.** 118.163 (2) (d) of the statutes is amended to read:

24 118.163 (2) (d) An order for the person to attend an educational program ~~under~~
25 as described in s. 938.34 (7d).

1 **SECTION 34.** 118.163 (2) (f) of the statutes, is amended to read:

2 118.163 **(2)** (f) An order for the person to be placed in a teen court program as
3 described in s. 938.342 ~~(1)~~ (1g) (f).

4 **SECTION 35.** 118.163 (2) (g) to (j) of the statutes are created to read:

5 118.163 **(2)** (g) An order for the person to attend school.

6 (h) A forfeiture of not more than \$500 plus costs, subject to s. 938.37. All or part
7 of the forfeiture plus costs may be assessed against the person, the parents or
8 guardian of the person, or both.

9 (i) Any other reasonable conditions consistent with this subsection, including
10 a curfew, restrictions as to going to or remaining on specified premises and
11 restrictions on associating with other children or adults.

12 (j) An order placing the person under formal or informal supervision, as
13 described in s. 938.34 (2), for up to one year.

14 **SECTION 36.** 118.163 (2m) of the statutes is renumbered 118.163 (2m) (a) and
15 amended to read:

16 118.163 **(2m)** (a) A county, city, village or town may enact an ordinance
17 permitting a court to suspend the operating privilege, ~~as defined in s. 340.01 (40)~~, of
18 a person who is at least 16 years of age but less than 18 years of age and is a dropout.
19 The ordinance shall provide that the court may suspend the person's operating
20 privilege, ~~as defined in s. 340.01 (40)~~, until the person reaches the age of 18. The
21 court shall immediately take possession of any suspended license and forward it to
22 the department of transportation together with a notice stating the reason for and
23 the duration of the suspension.

24 **SECTION 37.** 118.163 (2m) (b) of the statutes is created to read:

1 118.163 **(2m)** (b) A court may order a school district to provide to the court a
2 list of all persons who are known to the school district to be dropouts and who reside
3 within the county in which the circuit court is located or the municipality in which
4 the municipal court is located. Upon request, the department of transportation shall
5 assist the court to determine which dropouts have operating privileges.

6 **SECTION 38.** 118.163 (3) of the statutes is repealed and recreated to read:

7 118.163 **(3)** An ordinance enacted by a county under sub. (1m), (2) or (2m) is
8 applicable and may be enforced in that part of any city or village located in the county
9 and in any town located in the county regardless of whether the city, village or town
10 has enacted an ordinance under sub. (1m), (2) or (2m).

11 **SECTION 39.** 118.163 (4) of the statutes is created to read:

12 118.163 **(4)** A person who is under 17 years of age on the date of disposition is
13 subject to s. 938.342.

14 **SECTION 40.** 895.035 (2m) (b) of the statutes, as affected by 1997 Wisconsin Acts
15 27 and 35, is amended to read:

16 895.035 **(2m)** (b) If a juvenile fails to pay a forfeiture ~~or~~, surcharge or costs as
17 ordered by a court assigned to exercise jurisdiction under chs. 48 and 938 or a
18 forfeiture as ordered by a municipal court or if it appears likely that the juvenile will
19 not pay the forfeiture ~~or~~, surcharge or costs as ordered, the representative of the
20 public interest under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising
21 the juvenile or the law enforcement agency that issued the citation to the juvenile
22 may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order
23 that the amount of the forfeiture ~~or~~, surcharge or costs unpaid by the juvenile be
24 entered and docketed as a judgment against the juvenile and the parent with custody
25 of the juvenile and in favor of the county or appropriate municipality. A petition

1 under this paragraph may be filed after the expiration of the dispositional order or
2 sentence under which the forfeiture ~~or~~, surcharge is or costs are payable, but no later
3 than one year after the expiration of the dispositional order or sentence or any
4 extension of the dispositional order or sentence.

5 **SECTION 41.** 938.125 (2) of the statutes, as affected by 1997 Wisconsin Act 35,
6 is amended to read:

7 938.125 (2) That the court has exclusive jurisdiction over any juvenile alleged
8 to have violated an ordinance enacted under s. 118.163 (2) only if evidence is provided
9 by the school attendance officer that the activities under s. 118.16 (5) have been
10 completed or were not required to be completed ~~due to the juvenile's absence from~~
11 ~~school~~ as provided in s. 118.16 (5m).

12 **SECTION 42.** 938.13 (6) of the statutes, as affected by 1997 Wisconsin Act 35,
13 is amended to read:

14 938.13 (6) Who is habitually truant from school, if evidence is provided by the
15 school attendance officer that the activities under s. 118.16 (5) have been completed
16 or were not required to be completed ~~due to the juvenile's absence from school~~ as
17 provided in s. 118.16 (5m), except as provided under s. 938.17 (2).

18 **SECTION 43.** 938.17 (2) (a) 1. of the statutes is amended to read:

19 938.17 (2) (a) 1. Except as provided in sub. (1), municipal courts have
20 concurrent jurisdiction with the court assigned to exercise jurisdiction under this
21 chapter and ch. 48 in proceedings against juveniles aged 12 or older for violations of
22 county, town or other municipal ordinances. If evidence is provided by the school
23 attendance officer that the activities under s. 118.16 (5) have been completed or were
24 not required to be completed ~~due to the juvenile's absence from school~~ as provided
25 in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise jurisdiction

1 in proceedings against a juvenile for a violation of an ordinance enacted under s.
2 118.163 (2) regardless of the juvenile's age and regardless of whether the court
3 assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction under
4 s. 938.13 (6).

5 **SECTION 44.** 938.17 (2) (g) of the statutes is amended to read:

6 938.17 (2) (g) If a municipal court finds that a juvenile violated a municipal
7 ordinance enacted under s. 118.163 ~~(2)~~ (1m), (2) or (2m), it shall enter a dispositional
8 order under s. 938.342 ~~(1)~~ (1d), (1g) and (1m) or (2) that is consistent with the
9 municipal ordinance.

10 **SECTION 45.** 938.17 (2) (h) 1. of the statutes is amended to read:

11 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
12 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
13 her dispositional order, the municipal court may impose on the juvenile any of the
14 sanctions specified in s. 938.355 (6) (d) 2. to 4. that are authorized under par. (cm)
15 except for monitoring by an electronic monitoring system or may petition the court
16 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
17 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
18 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
19 authorized under par. (cm), if at the time of judgment the court explained the
20 conditions to the juvenile and informed the juvenile of the possible sanctions under
21 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
22 violation the juvenile has acknowledged in writing that he or she has read, or has had
23 read to him or her, those conditions and possible sanctions and that he or she
24 understands those conditions and possible sanctions.

25 **SECTION 46.** 938.17 (2) (i) of the statutes is created to read:

1 938.17 (2) (i) 1. If a juvenile who has violated a municipal ordinance enacted
2 under s. 118.163 (1m) violates a condition of his or her dispositional order, the
3 municipal court may impose on the juvenile any of the sanctions specified in s.
4 938.355 (6m) (ag), if at the time of judgment the court explained those conditions to
5 the juvenile and informed the juvenile of those possible sanctions or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and possible sanctions and that he or she
8 understands those conditions and possible sanctions.

9 2. If a juvenile who has violated a municipal ordinance enacted under s. 118.163
10 (2) violates a condition of his or her dispositional order, the municipal court may
11 impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (a), if at the
12 time of judgment the court explained those conditions to the juvenile and informed
13 the juvenile of those possible sanctions or if before the violation the juvenile has
14 acknowledged in writing that he or she has read, or has had read to him or her, those
15 conditions and possible sanctions and that he or she understands those conditions
16 and possible sanctions.

17 3. A motion requesting the municipal court to impose for a sanction may be
18 brought by the person or agency primarily responsible for the provision of
19 dispositional services, the administrator of the school district in which the juvenile
20 is enrolled or resides, the municipal attorney or the court that entered the
21 dispositional order. If the court initiates the motion, that court is disqualified from
22 holding a hearing on the motion. Notice of the motion shall be given to the juvenile
23 and the juvenile's parent, guardian or legal custodian.

24 4. Before imposing any sanction, the court shall hold a hearing, at which the
25 juvenile may present evidence.

1 **SECTION 47.** 938.275 (1) (c) of the statutes is amended to read:

2 938.275 (1) (c) If the court imposes a sanction on a juvenile as specified in s.
3 938.355 (6) (d) or (6m) (a) or (ag) or finds the juvenile in contempt under s. 938.355
4 (6g) (b) and orders a disposition under s. 938.34 or if the juvenile is placed in a secure
5 detention facility or place of nonsecure custody under s. 938.355 (6d) or 938.534 (1),
6 the court shall order the parents of the juvenile to contribute toward the cost of the
7 sanction, disposition or placement the proportion of the total amount which the court
8 finds the parents are able to pay.

9 **SECTION 48.** 938.342 (1) of the statutes is renumbered 938.342 (1g), and
10 938.342 (1g) (a) and (b), as renumbered, are amended to read:

11 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
12 340.01 (40), for not less than 30 days nor more than ~~90 days~~ one year. The court shall
13 immediately take possession of the suspended license and forward it to the
14 department of transportation together with a notice stating the reason for and
15 duration of the suspension.

16 (b) Order the person to participate in counseling or a supervised work program
17 or other community service work ~~under as described in s. 938.34 (5g).~~ The costs of
18 any such counseling, supervised work program or other community service work
19 may be assessed against the person, the parents or guardian of the person, or both.
20 Any county department, community agency, public agency or nonprofit charitable
21 organization administering a supervised work program or other community service
22 work to which a person is assigned pursuant to an order under this paragraph acting
23 in good faith has immunity from any civil liability in excess of \$25,000 for any act or
24 omission by or impacting on that person.

25 **SECTION 49.** 938.342 (1d) of the statutes is created to read:

1 938.342 **(1d)** If the court finds that the person violated a municipal ordinance
2 enacted under s. 118.163 (1m), the court shall enter an order making one or more of
3 the following dispositions if such a disposition is authorized by the municipal
4 ordinance:

5 (a) Order the person to attend school.

6 (b) Impose a forfeiture of not more than \$50 plus costs for a first violation, or
7 a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation
8 committed within 12 months of a previous violation, subject to s. 938.37. All or part
9 of the forfeiture plus costs may be assessed against the person, the parent or
10 guardian of the person, or both.

11 **SECTION 50.** 938.342 (1g) (g) to (j) of the statutes are created to read:

12 938.342 **(1g)** (g) Order the person to attend school.

13 (h) Impose a forfeiture of not more than \$500 plus costs, subject to s. 938.37.
14 All or part of the forfeiture plus costs may be assessed against the person, the parent
15 or guardian of the person, or both.

16 (i) Order the person to comply with any other reasonable conditions that are
17 consistent with this subsection, including a curfew, restrictions as to going to or
18 remaining on specified premises and restrictions on associating with other juveniles
19 or adults.

20 (j) Place the person under formal or informal supervision, as described in s.
21 938.34 (2), for up to one year.

22 **SECTION 51.** 938.342 (1m) (a) of the statutes is amended to read:

23 938.342 **(1m)** (a) If the court finds that the person violated a municipal
24 ordinance enacted under s. 118.163 (2), the court may, in addition to or instead of the
25 dispositions under sub. ~~(1)~~ (1g), order the person's parent, guardian or legal

1 custodian to participate in counseling at the parent's, guardian's or legal custodian's
2 own expense.

3 **SECTION 52.** 938.342 (1m) (am) of the statutes is created to read:

4 938.342 **(1m)** (am) If the court finds that the person violated a municipal
5 ordinance enacted under s. 118.163 (1m), the court may, as part of the disposition
6 under sub. (1d), order the person's parent or guardian to pay all or part of a forfeiture
7 plus costs assessed under sub. (1d) (b). If the court finds that the person violated a
8 municipal ordinance enacted under s. 118.163 (2), the court may, as part of the
9 dispositions under sub. (1g), order the person's parent or guardian to pay all or part
10 of the costs of any program ordered under sub. (1g) (b) or to pay all or part of a
11 forfeiture plus costs assessed under sub. (1g) (h).

12 **SECTION 53.** 938.342 (1m) (b) of the statutes is amended to read:

13 938.342 **(1m)** (b) No order to any parent, guardian or legal custodian under par.
14 (a) or (am) may be entered until the parent, guardian or legal custodian is given an
15 opportunity to be heard on the contemplated order of the court. The court shall cause
16 notice of the time, place and purpose of the hearing to be served on the parent,
17 guardian or legal custodian personally at least 10 days before the date of the hearing.
18 The procedure in these cases shall, as far as practicable, be the same as in other cases
19 to the court. At the hearing, the parent, guardian or legal custodian may be
20 represented by counsel and may produce and cross-examine witnesses. Any parent,
21 guardian or legal custodian who fails to comply with any order issued by a court
22 under par. (a) or (am) may be proceeded against for contempt of court.

23 **SECTION 54.** 938.342 (2) (a) of the statutes is amended to read:

24 938.342 **(2)** (a) Except as provided in par. (b), if the court finds that a person
25 is subject to a municipal ordinance enacted under s. 118.163 (2m) (a), the court shall

1 enter an order suspending the person's operating privilege, as defined in s. 340.01
2 (40), until the person reaches the age of 18.

3 **SECTION 55.** 938.342 (2) (b) of the statutes is amended to read:

4 938.342 (2) (b) The court may enter an order making any of the dispositions
5 specified under sub. (1) (1g) if the court finds that suspension of the person's
6 operating privilege, as defined in s. 340.01 (40), until the person reaches the age of
7 18 would cause an undue hardship to the person or the juvenile's person's family.

8 **SECTION 56.** 938.345 (2) of the statutes is amended to read:

9 938.345 (2) If the court finds that a juvenile is in need of protection or services
10 based on the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b),
11 or based on habitual truancy, and the court also finds that the reason the juvenile has
12 dropped out of school or is a habitual truant is a result of the juvenile's intentional
13 refusal to attend school rather than the failure of any other person to comply with
14 s. 118.15 (1) (a) or (am), the court, instead of or in addition to any other disposition
15 imposed under sub. (1), may enter an order permitted under s. 938.342.

16 **SECTION 57.** 938.355 (6) (a) of the statutes is amended to read:

17 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
18 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
19 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
20 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
21 under s. 938.335, the court explained the conditions to the juvenile and informed the
22 juvenile of those possible sanctions or if before the violation the juvenile has
23 acknowledged in writing that he or she has read, or has had read to him or her, those
24 conditions and possible sanctions and that he or she understands those conditions
25 and possible sanctions. ~~Subject to sub. (6m), if~~ If a juvenile who has been found to

1 be in need of protection or services under s. 938.13 (4), (6m), (7), (12) or (14) violates
2 a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the
3 sanctions specified in par. (d), other than placement in a secure detention facility or
4 juvenile portion of a county jail, if, at the dispositional hearing under s. 938.335, the
5 court explained the conditions to the juvenile and informed the juvenile of those
6 possible sanctions or if before the violation the juvenile has acknowledged in writing
7 that he or she has read, or has had read to him or her, those conditions and possible
8 sanctions and that he or she understands those conditions and possible sanctions.
9 The court may not order the sanction of placement in a place of nonsecure custody
10 specified in par. (d) 1. unless the court finds that the agency primarily responsible
11 for providing services for the juvenile has made reasonable efforts to prevent the
12 removal of the juvenile from his or her home and that continued placement of the
13 juvenile in his or her home is contrary to the welfare of the juvenile.

14 **SECTION 58.** 938.355 (6) (an) 1. of the statutes is amended to read:

15 938.355 **(6)** (an) 1. If a juvenile who has violated a municipal ordinance, other
16 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of a
17 dispositional order imposed by the municipal court, the municipal court may petition
18 the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose
19 on the juvenile the sanction specified in par. (d) 1. or the sanction specified in par. (d)
20 3., with monitoring by an electronic monitoring system, if, at the time of the
21 judgment the municipal court explained the conditions to the juvenile and informed
22 the juvenile of those possible sanctions for a violation or if before the violation the
23 juvenile has acknowledged in writing that he or she has read, or has had read to him
24 or her, those conditions and possible sanctions and that he or she understands those
25 conditions and possible sanctions. The petition shall contain a statement of whether

1 the juvenile may be subject to the federal Indian child welfare act, 25 USC 1911 to
2 1963.

3 **SECTION 59.** 938.355 (6m) (title) of the statutes is amended to read:

4 938.355 (6m) (title) SANCTIONS FOR VIOLATION OF ORDER: TRUANCY OR HABITUAL
5 TRUANCY.

6 **SECTION 60.** 938.355 (6m) (a) of the statutes is amended to read:

7 938.355 (6m) (a) If the court finds by a preponderance of the evidence that a
8 juvenile who has been found to have violated a municipal ordinance enacted under
9 s. 118.163 (2) or who has been found to be in need of protection or services based on
10 habitual truancy from school under s. 938.13 (6) has violated a condition specified
11 under sub. (2) (b) 7., the court may order as a sanction any combination of the
12 operating privilege suspension specified in this paragraph and the dispositions
13 specified in s. 938.342 ~~(1)~~ (1g) (b) to ~~(f)~~ (j) and (1m), regardless of whether the
14 disposition was imposed in the order violated by the juvenile, if at the dispositional
15 hearing under s. 938.335 the court explained those conditions to the juvenile and
16 informed the juvenile of the possible sanctions under this paragraph for a violation
17 or if before the violation the juvenile has acknowledged in writing that he or she has
18 read, or has had read to him or her, those conditions and possible sanctions and that
19 he or she understands those conditions and possible sanctions. The court may order
20 as a sanction suspension of the juvenile's operating privilege, as defined under s.
21 340.01 (40), for not more than one year. If the juvenile does not hold a valid operator's
22 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
23 license under s. 343.08, on the date of the order issued under this paragraph, the
24 court may order the suspension to begin on the date that the operator's license would
25 otherwise be reinstated or issued after the juvenile applies and qualifies for issuance

1 or 2 years after the date of the order issued under this paragraph, whichever occurs
2 first. If the court suspends an operating privilege under this paragraph, the court
3 shall immediately take possession of the suspended license and forward it to the
4 department of transportation with a notice stating the reason for and the duration
5 of the suspension.

6 **SECTION 61.** 938.355 (6m) (ag) of the statutes is created to read:

7 938.355 **(6m)** (ag) If the court finds by a preponderance of the evidence that a
8 juvenile who has been found to have violated a municipal ordinance enacted under
9 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may
10 order as a sanction any combination of the operating privilege suspension specified
11 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to (j) and (1m),
12 regardless of whether the disposition was imposed in the order violated by the
13 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
14 conditions to the juvenile and informed the juvenile of the possible sanctions under
15 this paragraph for a violation or if before the violation the juvenile has acknowledged
16 in writing that he or she has read, or has had read to him or her, those conditions and
17 possible sanctions and that he or she understands those conditions and possible
18 sanctions.

19 **SECTION 62.** 938.355 (6m) (b) of the statutes is amended to read:

20 938.355 **(6m)** (b) A motion for the imposition of a sanction under par. (a) or (ag)
21 may be brought by the person or agency primarily responsible for providing
22 dispositional services to the juvenile, the administrator of the school district in which
23 the juvenile is enrolled or resides, the district attorney, the corporation counsel or the
24 court that entered the dispositional order. If the court initiates the motion, that court
25 is disqualified from holding a hearing on the motion. Notice of the motion shall be

1 given to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian
2 and all parties present at the original dispositional hearing.

3 **SECTION 63.** 938.355 (6m) (c) of the statutes is amended to read:

4 938.355 **(6m)** (c) Before imposing a sanction under par. (a) or (ag), the court
5 shall hold a hearing at which the juvenile is entitled to be represented by legal
6 counsel and to present evidence. The hearing shall be held within 15 days after the
7 filing of a motion under par. (b).

8 **SECTION 64. Initial applicability.**

9 (1) The treatment of section 118.15 (5) (a) of the statutes first applies to
10 violations under section 118.15 of the statutes occurring on the effective date of this
11 subsection, but does not preclude the counting of other violations as prior violations
12 for sentencing a person.

13 (2) The treatment of sections 118.15 (1) (am), 118.16 (2) (cg) 1. and 4. and
14 938.345 (2) of the statutes first applies to pupils enrolled in school in the 1998-99
15 school year.

16 (3) The treatment of sections 938.17 (2) (h) 1. and (i) and 938.355 (6) (a) and (an)
17 1. and (6m) (title), (a), (ag), (b) and (c) of the statutes, first applies to dispositional
18 orders entered on the effective date of this subsection.

19 (END)